

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

HOUSE JOURNAL
59TH LEGISLATURE
SEVENTIETH LEGISLATIVE DAY

Helena, Montana
April 2, 2005

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Roy Brown. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Sinrud, excused. Quorum present.

Rep. Bergren announced the House Democrats will caucus.
Rep. Lange announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 8:30 a.m.

House reconvened at 8:37 a.m.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter Speaker Matthews received from Republican Leader Roy Brown stating that pursuant to House Rule 40-220, he requests that HB 63 be re-referred from the House Floor to the House Education Committee.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 4/2/2005
Correctly printed: **HB 80, HB 109, HB 110, HB 207, HB 214, HB 288, HB 295, HB 299, HB 311, HB 333, HB 370, HB 381, HB 407, HB 461, HB 486, HB 504, HB 528, HB 592, HB 703, HB 776, HB 784, HB 802.**

HUMAN SERVICES (Becker, Chairman): 4/2/2005
SB 481, be amended as follows:

1. Page 22, line 17.

Strike: "more than 50% responsible for"
Insert: "the major contributing cause of"

2. Page 38, line 3.

Insert: "NEW SECTION. Section 41. Direction to code commissioner. The code commissioner is directed to change any reference to chapter 72 of Title 39 that appears in legislation enacted by the 2005 legislature to a reference to chapter 71 of Title 39."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 4/2/2005

HB 280, introduced by Wagman

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/2/2005

HB 40, introduced by Harris
HB 68, introduced by Andersen
HB 159, introduced by McKenney
HB 295, introduced by Galvin-Halcro

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

HB 331, introduced by Wanzenried
HB 348, introduced by Buzzas
HB 361, introduced by Gallik
HB 453, introduced by Furey
HB 681, introduced by Raser
HB 721, introduced by Parker

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 756 - Representative Gutsche moved **HB 756** do pass.

HB 756 - Representative Waitschies moved **HB 756**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 52

Voted Absentee: Sinrud, Aye; Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 756 - Do pass motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 64

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Ripley, Roberts, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies, Wells.
Total 36

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 529 - Representative Kaufmann moved **HB 529** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 79

Noes: Barrett, Everett, Hawk, L. Jones, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Wells, Witt.
Total 21

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 703 - Representative Bergren moved **HB 703** do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Milburn, Musgrove, Noonan, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 64

Noes: Andersen, Balyeat, D. Brown, R. Brown, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Ward, Wells.
Total 36

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 741 - Representative Peterson moved **HB 741** do pass.

HB 741 - Representative Peterson moved **HB 741**, second reading copy, be amended as follows:

1. Title, page 1, line 28.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Following: "TO"

Insert: "PUBLIC SCHOOLS FOR DIRECT STATE AID AND TO"

2. Page 24, line 20.

Strike: "-- exception"

Strike: "Except" through "the"

Insert: "The"

3. Page 24, line 22.

Strike: "(a)"

4. Page 24, line 23 through line 24.

Strike: "is" on line 23 through "]" on line 24

Insert: "for a period of 1 month or more is nontaxable"

5. Page 24, line 25 through line 27.

Strike: subsection (b) in its entirety

6. Page 24, line 28 through page 25, line 9.

Strike: subsection (3) through subsection (4) in their entirety

Insert: "(3) The inclusion of furniture or appliances furnished by the landlord or lessor as part of a leased or rented dwelling, house, mobile home, manufactured home, condominium, townhouse, cabin, apartment, or other space leased or rented as a dwelling is nontaxable."

7. Page 34, line 9.

Strike: "University"

Insert: "Direct state aid -- university"

8. Page 34.

Following: line 22

Insert: "(1) For fiscal year 2007 and for each subsequent fiscal year, there is statutorily appropriated, as provided in 17-7-502, from the state general fund the amount necessary, as certified by the superintendent of public instruction, to fully fund direct state aid for 80% of the basic entitlement, as defined in 20-9-306, and 80% of the total per-ANB entitlement, as defined in 20-9-306, for the general fund budgets of elementary schools and high schools and 40% of the special education allowable cost payments, as described in 20-9-321, for elementary schools and high schools. The amount appropriated in this subsection is for distribution as provided for in 20-9-344 and 20-9-347, as applicable."

Renumber: subsequent subsections

9. Page 84, line 11.

Strike: "26.28%"

Insert: "23.36%"

10. Page 84, line 12.

Strike: "44.82%"

Insert: "42.9%"

11. Page 84, line 13

Strike: "30.83%"

Insert: "25.15%"

12. Page 84, line 14.

Strike: "42.2%"

Insert: "40.04%"

13. Page 84, line 15.

Strike: "50.68%"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Insert: "47.19%"

14. Page 84, line 16.
Strike: "32.55%"
Insert: "26.71%"

15. Page 84, line 17.
Strike: "34.92%"
Insert: "32.13%"

16. Page 84, line 18.
Strike: "29.18%"
Insert: "25.77%"

17. Page 84, line 19.
Strike: "40.52%"
Insert: "30.12%"

18. Page 84, line 20.
Strike: "34.21%"
Insert: "32.45%"

19. Page 84, line 21.
Strike: "34.04%"
Insert: "26.61%"

20. Page 84, line 22.
Strike: "34.08%"
Insert: "24.95%"

21. Page 84, line 23.
Strike: "40.45%"
Insert: "32.46%"

22. Page 84, line 24.
Strike: "41.59%"
Insert: "38.09%"

23. Page 84, line 25.
Strike: "34.17%"
Insert: "29.83%"

24. Page 84, line 26.
Strike: "34.21%"
Insert: "31.45%"

25. Page 84, line 27.
Strike: "26.78%"
Insert: "18.62%"

26. Page 84, line 28.
Strike: "38.49%"
Insert: "34.45%"

27. Page 84, line 29.
Strike: "34.43%"
Insert: "28.65%"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

28. Page 84, line 30.

Strike: "47.12%"
Insert: "45.4%"

29. Page 85, line 1.

Strike: "28.69%"
Insert: "26.04%"

30. Page 85, line 2.

Strike: "32.2%"
Insert: "27.92%"

31. Page 85, line 3.

Strike: "27.19%"
Insert: "22.43%"

32. Page 85, line 4.

Strike: "22.16%"
Insert: "12.3%"

33. Page 85, line 5.

Strike: "33.87%"
Insert: "29.45%"

34. Page 85, line 6.

Strike: "35.35%"
Insert: "30.64%"

35. Page 85, line 7.

Strike: "40.64%"
Insert: "35.94%"

36. Page 85, line 8.

Strike: "30.62%"
Insert: "27.95%"

37. Page 85, line 9.

Strike: "39.96%"
Insert: "35.04%"

38. Page 85, line 10.

Strike: "30.83%"
Insert: "25.5%"

39. Page 85, line 11.

Strike: "39.03%"
Insert: "37.14%"

40. Page 85, line 12.

Strike: "28.05%"
Insert: "21.35%"

41. Page 85, line 13.

Strike: "33.12%"
Insert: "28.72%"

Amendment adopted as follows:

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, D. Brown, R. Brown, Buzzas, Clark, Dickenson, Driscoll, Everett, Facey, Gallik, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jent, L. Jones, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 71

Noes: Balyeat, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Dowell, Eaton, Franklin, Furey, Golie, Groesbeck, Hiner, Jacobson, Jayne, W. Jones, Jopek, Kaufmann, Koopman, Noonan, Sales, Sesso, Small-Eastman, Villa, Windy Boy.
Total 26

Excused: Bixby, Juneau, Sinrud.
Total 3

Absent or not voting: None.
Total 0

HB 741 - Representative Keane moved for cloture. Motion carried on a voice vote.

HB 741 - Representative Peterson moved **HB 741**, as amended, do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Driscoll, Everett, Jent, L. Jones, Klock, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Witt, Mr. Speaker.
Total 36

Noes: Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Mendenhall, Musgrove, Noonan, Parker, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Villa, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman.
Total 64

Voted Absentee: Bixby, Juneau, Sinrud, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 639 - Representative Peterson moved consideration of **HB 639** be placed below **SB 29** on the second reading board. Motion carried.

HB 764 - Representative Villa moved **HB 764** do pass.

HB 764 - Representative Ross moved for cloture. Motion carried on a voice vote.

HB 764 - Do pass motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 50

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 50

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 787 - Representative Maedje moved **HB 787** do pass.

HB 787 - Representative Jent moved for cloture. Motion carried on a voice vote.

HB 787 - Do pass motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Driscoll, Everett, Galvin-Halcro, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lambert, Lange, Lenhart, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 53

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Raser, Ross, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 47

Voted Absentee: Sinrud, Aye; Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 802 - Representative A. Olson moved **HB 802** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Campbell, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.
Total 80

Noes: Bixby, Buzzas, Caferro, Callahan, Clark, Cohenour, Eaton, Furey, Gallik, Grinde, Gutsche, Hamilton, Harris, Jacobson, Jayne, Jopek, Kaufmann, McAlpin, Wiseman.
Total 19

Voted Absentee: Sinrud, Aye; Bixby, No.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Excused: None.
Total 0

Absent or not voting: Juneau.
Total 1

HB 803 - Representative Stahl moved **HB 803** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Gutsche, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Keane, Klock, Lenhart, Maedje, McAlpin, McNutt, Milburn, Morgan, Musgrove, Noonan, B. Olson, Ripley, Roberts, Sesso, Sonju, Stahl, Stoker, Taylor, Warden, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 55

Noes: Balyeat, Bixby, R. Brown, Buzzas, Callahan, Dowell, Everett, Gallik, Galvin-Halcro, Hamilton, Harris, Hawk, Himmelberger, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Noennig, A. Olson, Parker, Peterson, Raser, Rice, Ross, Sales, Sinrud, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Windham.
Total 45

Voted Absentee: Bixby, Sinrud, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 21 - Representative Roberts moved **SB 21** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 98

Noes: None.
Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.
Total 0

Absent or not voting: Glaser, Maedje.
Total 2

SB 298 - Representative Warden moved **SB 298** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 322 - Representative Roberts moved **SB 322** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363 - Representative Raser moved **SB 363** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.
Total 0

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Absent or not voting: None.
Total 0

SB 373 - Representative Lange moved **SB 373** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Everett, Jayne, Koopman, Sales, Sinrud, Villa, Ward.
Total 7

Voted Absentee: Sinrud, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 388 - Representative D. Brown moved **SB 388** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: McKenney, Villa, Windy Boy.
Total 3

Voted Absentee: Sinrud, Aye.

Excused: None.
Total 0

Absent or not voting: L. Jones.
Total 1

SB 460 - Representative Ward moved **SB 460** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Total 95

Noes: Lambert, A. Olson, B. Olson, Waitschies.
Total 4

Voted Absentee: Sinrud, Aye.

Excused: None.
Total 0

Absent or not voting: Wagman.
Total 1

SB 153 - Representative Bergren moved consideration of **SB 153** be placed at the top of the second reading board.
Motion carried.

SB 153 - Representative Facey moved **SB 153** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 92

Noes: Butcher, B. Olson, Sinrud, Stahl, Stoker, Wagman, Waitschies.
Total 7

Voted Absentee: Sinrud, No.

Excused: None.
Total 0

Absent or not voting: Hendrick.
Total 1

SJR 4 - Representative Noennig moved **SJR 4** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Everett, Hawk, Lake, Ross, Sales, Sinrud, Waitschies.
Total 7

Voted Absentee: Sinrud, No.

Excused: None.
Total 0

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Absent or not voting: None.
Total 0

SJR 7 - Representative D. Brown moved **SJR 7** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 67

Noes: Balyeat, Bixby, R. Brown, Butcher, Heinert, Hendrick, Himmelberger, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Small-Eastman, Stahl, Wagman, Waitschies, Wells, Witt.
Total 33

Voted Absentee: Sinrud, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Facey assumed the Chair.

SJR 12 - Representative Branae moved **SJR 12** be concurred in. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sales, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 84

Noes: Andersen, Balyeat, Butcher, Everett, Glaser, Heinert, Lake, McNutt, Ripley, Ross, Sinrud, Wagman, Waitschies, Windham.
Total 14

Voted Absentee: Sinrud, No.

Excused: None.
Total 0

Absent or not voting: Small-Eastman, Wiseman.
Total 2

SJR 17 - Representative Bergren moved consideration of **SJR 17** be placed after **SB 40** on the second reading board. Motion carried.

SB 29 - Representative Roberts moved **SB 29** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Keane, Lambert, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 63

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, Jent, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Wagman, Ward, Warden, Wells.
Total 35

Voted Absentee: Sinrud, No.

Excused: None.
Total 0

Absent or not voting: Peterson, Taylor.
Total 2

HB 639 - Representative Peterson moved **HB 639**, do pass.

HB 639 - Representative Peterson moved **HB 639**, second reading copy, be amended as follows:

1. Title, line 7.

Following: "ELECTION"

Insert: "IF A GENERAL STATEWIDE SALES TAX OR USE TAX IS ENACTED"

2. Page 1, line 12.

Following: "tax"

Insert: "with sales tax"

3. Page 1, line 14.

Strike: "State"

Insert: "If a general statewide sales tax or use tax is enacted, state"

4. Page 1, line 20.

Strike: "that"

Strike: "governments"

5. Page 1, line 21.

Strike: "districts levy"

Following: "taxes"

Insert: ", "

Following: "ELECTORATE"

Insert: ", if a sales tax is enacted"

6. Page 1, line 22.

Strike: "that"

Strike: "governments"

7. Page 1, line 23.

Strike: "districts levy"

Following: "taxes"

Insert: ", "

Following: "ELECTORATE"

Insert: ", if a sales tax is enacted"

8. Page 1, line 25 through line 26.

Strike: section 3 in its entirety

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Driscoll, Everett, Furey, Glaser, Grinde, Gutsche, Harris, Hawk, Hendrick, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 63

Noes: Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Villa.
Total 34

Excused: Sinrud.
Total 1

Absent or not voting: Clark, Himmelberger.
Total 2

HB 639 - Representative Peterson moved **HB 639** as amended, do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Windham, Witt, Mr. Speaker.
Total 47

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windy Boy, Wiseman.
Total 53

Voted Absentee: Sinrud, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 32 - Representative Arntzen moved **SB 32** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 82

Noes: Barrett, Everett, Hawk, Heinert, Himmelberger, Koopman, Lake, Malcolm, Mendenhall, Morgan, Musgrove, B. Olson, Ross, Sales, Sinrud, Wells.
Total 16

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Voted Absentee: Sinrud, No.

Excused: None.
Total 0

Absent or not voting: Caferro, Rice.
Total 2

SB 40 - Representative Stahl moved **SB 40** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Jayne, Koopman, Sinrud.
Total 3

Voted Absentee: Sinrud, No.

Excused: None.
Total 0

Absent or not voting: Himmelberger.
Total 1

SJR 17 - Representative Wiseman moved **SJR 17** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Wells.
Total 34

Voted Absentee: Sinrud, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 - Representative Noonan moved **SB 127** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 86

Noes: Everett, Glaser, Himmelberger, Koopman, Maedje, Malcolm, McGillvray, Mendenhall, Rice, Ripley, Sales, Sinrud, Wells.
Total 13

Voted Absentee: Sinrud, No.

Excused: None.
Total 0

Absent or not voting: A. Olson.
Total 1

SB 167 - Representative Bergren moved consideration of **SB 167** be moved to the bottom of the second reading board. Motion carried.

SB 264 - Representative Driscoll moved **SB 264** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Everett, Malcolm.
Total 2

Excused: None.
Total 0

Absent or not voting: Glaser, Maedje.
Total 2

Dem. Floor Leader Parker moved the committee rise and report and beg to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 91

Noes: Everett, Hawk, Koopman, Mendenhall, Rice, Sales, Wells.
Total 7

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Excused: None.
Total 0

Absent or not voting: Bixby, Juneau.
Total 2

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Democratic Leader Wanzenried stating that he was exercising one of the silver bullets of the House Democrats according to House Rule H30-50(5) to take HB 784 from the House Taxation Committee and place it on 2nd Reading on April 2, 2005.

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Becker, Chairman):
SB 154, be amended as follows:

4/2/2005

1. Page 1, line 22 through line 25.

Following: "~~The~~" on line 22

Strike: remainder of line 22 through line 25

Insert: "In operating the program and providing health services, the department may:

(a) pay providers on a fee-for-service basis in a self-funded program and contract with an insurance company, third-party administrator, or other entity to provide administrative services, including but not limited to processing and payment of claims with program funds;

(b) purchase health coverage for eligible children from an insurance company or other entity through premiums, capitated payments, or other appropriate methods;

(c) purchase health coverage as provided in subsection (2)(b) for some types of health services and contract directly with providers for other types of health services on a fee-for-service basis."

2. Page 1, line 26.

Following: "~~(3)~~"

Insert: "(a)"

3. Page 1, line 27.

Following: "program" on line 27

Insert: "as provided in subsection (2)(b) or (2)(c), not more than 10% of the contract payment may be used for administrative expenses, including"

4. Page 1, line 28 through line 29.

Strike: page 1, line 28 through "payment of" on line 29

Insert: "(i)"

5. Page 1, line 30 through page 2, line 4.

Strike: "(b)" on page 1, line 30 through "premiums." on page 2, line 4

Insert: "(ii) risk charges; and

(iii) any applicable assessments, fees, and taxes.

(b) Administrative expenses may not include eligibility determination, advertising, and outreach for the program."

And, as amended, be concurred in. Report adopted.

SB 324, be amended as follows:

1. Title, line 12.

Strike: "AND"

Following: "53-6-1013,"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Insert: "AND 53-6-1201,"

2. Page 2, line 5 through line 13.

Strike: subsection (7) in its entirety

3. Page 3, line 6.

Strike: "commodity"

Insert: "drug"

4. Page 3, line 10.

Strike: "the"

Insert: "a"

5. Page 3, line 11 through line 12.

Following: "25%"

Strike: remainder of line 11 through "determined" on line 12

Insert: "set"

Following: "department"

Insert: "by rule"

6. Page 5, line 9.

Following: "pharmacy"

Insert: "or a pharmaceutical manufacturer"

7. Page 5, line 10.

Following: line 9

Insert: "(10) (a) The department may not contract with either an in-state or out-of-state mail service pharmacy, as defined in 37-7-702, for the purposes of the program for at least 1 year after persons eligible for the program have begun to purchase drugs through the program. At that time, the department shall evaluate the number of pharmacies within the state providing prescription drugs as part of the program.

(b) If the department determines that there are insufficient pharmacies participating in the program to allow reasonable access to persons qualified to purchase prescription drugs through the program, it may, after the evaluation provided for in subsection (10)(a), use one or more in-state or out-of-state mail service pharmacies, or both, for the purposes of the program."

8. Page 7, line 5.

Insert: "Section 9. Section 53-6-1201, MCA, is amended to read:

"**53-6-1201. Special revenue fund -- health and medicaid initiatives.** (1) There is a health and medicaid initiatives account in the state special revenue fund established by 17-2-102. This account is to be administered by the department of public health and human services.

(2) There must be deposited in the account:

(a) money from cigarette taxes deposited under 16-11-119(1)(c); ~~and~~

(b) money from taxes on tobacco products other than cigarettes deposited under 16-11-206(1)(b); and

(c) any interest and income earned on the account.

(3) This account may be used only to provide funding for:

(a) the state funds necessary to take full advantage of available federal matching funds in order to maximize enrollment of eligible children under the children's health insurance program, provided for under Title 53, chapter 4, part 10, and to provide outreach to the eligible children. The increased revenue in this account is intended to increase enrollment rates for eligible children in the program and not to be used to support existing levels of enrollment based upon appropriations for the biennium ending June 30, 2005.

(b) a new need-based prescription drug program established by the legislature for children, seniors, chronically ill, and disabled persons that does not supplant similar services provided under any existing program;

(c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.

(d) an offset to loss of revenue to the general fund as a result of new tax credits or to fund new programs to assist small businesses with the costs of providing health insurance benefits to employees, if these tax credits or programs are established by the legislature after the effective date of this section.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

(4) (a) Except for \$1 million appropriated for startup costs related to [sections 1 and 2], the money appropriated for fiscal year 2006 for the program in subsection (3)(b) may not be expended until the office of budget and program planning has certified that \$25 million has been deposited in the account provided for in this section or December 1, 2005, whichever occurs earlier.

(b) On or before July 1, the budget director shall calculate a balance required to sustain the program in subsection (3)(b) for each fiscal year of the biennium. If the budget director certifies that the reserve balance will be sufficient, then the department may expend the revenue for the program as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify the department. Upon receipt of the notification, the department shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(c) Until the programs or credits described in subsections (3)(b) and (3)(d) are established, the funding must be used exclusively for the purposes described in subsections (3)(a) and (3)(c).

(5) The phrase "trended traditional level of appropriation", as used in subsection (3)(c), means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

(6) The department of public health and human services may adopt rules to implement this section."

Insert: "NEW SECTION. Section 10. Contingency on expenditure. [Sections 1 through 3] and Title 53, chapter 6, part 10, may not be construed to require implementation or ongoing operation of the program under 53-6-1201(3)(b) without a line item appropriation in the general appropriations bill included for that purpose."

Renumber: subsequent sections

9. Page 7, line 8.

Following: "through 3"

Insert: "and 10"

10. Page 7, line 10.

Following: "through 3"

Insert: "and 10"

11. Page 7, line 11.

Insert: "COORDINATION SECTION. Section 13. Coordination instruction. If House Bill No. 667 and this bill are both passed and approved, section 53-6-1201 must read as follows:

"53-6-1201. Special revenue fund -- health and medicaid initiatives. (1) There is a health and medicaid initiatives account in the state special revenue fund established by 17-2-102. This account is to be administered by the department of public health and human services.

(2) There must be deposited in the account:

(a) money from cigarette taxes deposited under 16-11-119(1)(c); ~~and~~

(b) money from taxes on tobacco products other than cigarettes deposited under 16-11-206(1)(b); and

(c) any interest and income earned on the account.

(3) This account may be used only to provide funding for:

(a) the state funds necessary to take full advantage of available federal matching funds in order to maximize enrollment of eligible children under the children's health insurance program, provided for under Title 53, chapter 4, part 10, and to provide outreach to the eligible children. The increased revenue in this account is intended to increase enrollment rates for eligible children in the program and not to be used to support existing levels of enrollment based upon appropriations for the biennium ending June 30, 2005.

(b) a new need-based prescription drug program established by the legislature for children, seniors, chronically ill, and disabled persons that does not supplant similar services provided under any existing program;

(c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.

(d) an offset to loss of revenue to the general fund as a result of new tax credits; ~~or~~

~~(e) to fund new programs to assist eligible small businesses employers with the costs of providing health insurance benefits to eligible employees, if these tax credits or programs are established by the legislature after the effective date of this section;~~

(f) the cost of administering the tax credit, the purchasing pool, and the premium incentive payments and premium assistance payments as provided in [sections 1 through 9 in House Bill No. 667]; and

(g) to provide a state match for the medicaid program for premium incentive payments or premium assistance payments to the extent that a waiver is granted by federal law as provided in [section 10 in House Bill No. 667].

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

(4) (a) Except for \$1 million appropriated for the startup costs of [sections 1 and 2 in Senate Bill No. 324], the money appropriated for fiscal year 2006 for the programs in subsections (3)(b) and (3)(d) through (3)(g) may not be expended until the office of budget and program planning has certified that \$25 million has been deposited in the account provided for in this section or December 1, 2005, whichever occurs earlier.

(b) On or before July 1, the budget director shall calculate a balance required to sustain each program in subsection (3) for each fiscal year of the biennium. If the budget director certifies that the reserve balance will be sufficient, then the agencies may expend the revenue for the programs as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify each agency. Upon receipt of the notification, the agency shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(c) Until the programs or credits described in subsections (3)(b) and (3)(d) are established, the funding must be used exclusively for the purposes described in subsections (3)(a) and (3)(c).

(5) The phrase "trended traditional level of appropriation", as used in subsection (3)(c), means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

(6) The department of public health and human services may adopt rules to implement this section. ""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

SB 328, be amended as follows:

1. Page 1, line 13.

Strike: "five"

Insert: "6 and no more than 10"

2. Page 1, line 17.

Strike: "and"

3. Page 1, line 18.

Following: "epidemiologist"

Insert: "; and"

(f) a cervical cancer survivor"

4. Page 1, line 21.

Strike: "with a specific expertise"

5. Page 1, line 25 through line 27.

Following: "cancer" on line 25

Strike: remainder of line 25 through "education" on line 27

6. Page 1, line 28.

Insert: ", including any newly introduced vaccines"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Rice, Chairman):

4/2/2005

SB 104, be amended as follows:

1. Page 5, line 5.

Following: "proximate"

Insert: "visual"

2. Page 5, line 16.

Following: "OF"

Insert: "or attend a school in"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

And, as amended, be concurred in. Report adopted.

SB 139, be amended as follows:

1. Page 19, line 12.

Following: "jurisdiction"

Insert: "or a court of another jurisdiction"

2. Page 19, line 16.

Following: "proceedings"

Insert: ", if that order was entered by a Montana district court. If the order was entered by a court of another jurisdiction, the order must be filed with and approved by a Montana district court that is an appropriate court under the Montana laws or rules of court governing jurisdiction and venue in civil proceedings"

3. Page 19, line 19 through line 20.

Strike: "by" on line 19 through "Procedure" on line 20

Insert: "personally or by certified mail, return receipt requested"

4. Page 19, line 21.

Strike: "mailing" through "record"

Insert: "signing of the return receipt"

And, as amended, be concurred in. Report adopted.

SB 204, be concurred in. Report adopted.

SB 231, be amended as follows:

1. Title, page 1, line 9.

Following: "COST OF"

Insert: "OBTAINING OR"

2. Title, page 1, line 13 through line 14.

Strike: "BEGINS" on line 13 through "DEMAND" on line 14

Insert: "IS 6 YEARS FROM THE DATE OF THE DEMAND FOR PAYMENT OF A SERVICE CHARGE"

3. Page 2, line 19.

Strike: "15"

Insert: "20"

4. Page 2, line 28 through line 29.

Strike: ", WHO SHALL" on line 28 through "SUBSECTION (1)" on line 29

5. Page 3, line 3.

Following: "incurred to"

Insert: "obtain or"

6. Page 6, line 3 through line 5.

Strike: "begins" on line 3 through "BEYOND" on line 5

Insert: "is"

7. Page 6, line 5 through line 6.

Strike: "ORIGINAL" on line 5 through "NOTICE" on line 6

Insert: "demand under subsection (2)"

8. Page 6, line 15.

Strike: "(1)"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

9. Page 6, line 16.

Strike: "A"

Insert: "Unless otherwise provided by law, a"

10. Page 6, line 23 through page 7, line 3.

Strike: subsection (2) in its entirety

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Peterson, Chairman):

4/2/2005

SB 124, be concurred in. Report adopted.

SB 142, be concurred in. Report adopted.

SB 143, be concurred in. Report adopted.

SB 489, be amended as follows:

1. Title, page 1, line 6 through line 7.

Following: "AT" on line 6

Insert: "CERTAIN"

Strike: "FOR" on line 6 through "LIABLE" on line 7

2. Title, page 1, line 8.

Following: "ACT"

Insert: "AND FOR CONDUCTING REMEDIATION ACTIVITIES AT OTHER FACILITIES FOR WHICH THERE ARE NO POTENTIALLY LIABLE PERSONS WHO HAVE THE FINANCIAL RESOURCES TO REMEDIATE THE SITE WITHOUT FINANCIAL ASSISTANCE"

3. Page 5, line 23.

Strike: "subsections (9) and (10)"

Insert: "subsections (9) through (11)"

4. Page 7, line 16 through line 17.

Strike: "of" on line 16 through "conservation" on line 17

5. Page 7, line 17.

Following: "costs"

Insert: "incurred by the department in contracting"

6. Page 7, line 19.

Strike: "facilities" through "part 7."

Insert: "the Kalispell pole and timber, reliance refinery company, and Yale oil corporation facility complex. If the department spends less than \$1.5 million for those purposes, the remaining funds must be spent for remediation of the facility complex. The department may not seek recovery of the \$1.5 million from potentially liable persons."

7. Page 7, line 23.

Following: Line 22

Insert: "(b) The department shall consult with the noticed potentially liable persons regarding contractor selection and determination of the scope of the work for contract tasks. The department shall also provide the noticed potentially liable persons with contract performance updates and shall consult with the noticed potentially liable persons regarding expenses and progress on contract tasks.

(c) The department shall contract for the compilation, assessment, and summarization of the existing data pertaining to the complex described in subsection (10)(a), for recommendations for and conducting of additional investigations and studies necessary to develop remediation alternatives and for development and assessment of remediation alternatives.

Renumber: subsequent subsections

8. Page 7, line 23.

Following: "(B)"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Strike: "THE"

Insert: "Unless the department is delayed by a challenge to a contracting action, multiple contractor selection processes, or other unanticipated circumstances, the"

9. Page 7, line 25.

Strike: "OCTOBER"

Insert: "December"

10. Page 7.

Following: line 25

Insert: "(iii) The contract or contract task order for investigations, studies, and development and evaluation of final remediation alternatives must be in place by April 30, 2006."

Renumber: subsequent subsections

11. Page 7, line 26.

Strike: "JULY 31"

Insert: "November 30"

12. Page 7, line 28.

Strike: "(10)(D)"

Insert: "(10)(f)"

13. Page 8, line 1.

Strike: "AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION"

Following: "SHALL"

Strike: "JOINTLY"

14. Page 8, line 2.

Strike: "THE BIENNIUM THAT BEGINS JULY 1, 2005"

Insert: "calendar years 2005, 2006, and 2007"

15. Page 8, line 3.

Strike: "(10)(B)"

Insert: "(10)(d)"

Strike: "JOINT REPORTS"

Insert: "report"

16. Page 8, line 5.

Strike: "(10)(B)(I) THROUGH (10)(B)(IV)"

Insert: "(10)"

17. Page 8, line 7.

Strike: "AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION"

18. Page 8, line 9.

Strike: "FALL OF 2006"

Insert: "spring of 2007"

19. Page 8, line 10.

Strike: "AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION"

20. Page 8, line 12.

Strike: "(10)(A)"

Insert: "(10)(c)"

21. Page 8, line 13.

Insert: "(11) (a) Subject to subsections (11)(b) and (11)(c), for the biennium beginning July 1, 2005, funds from the orphan share account may be used by the department to pay remediation costs at facilities at which there have

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

been releases and for which:

(i) there are no potentially liable persons; or

(ii) (A) the department determines that some or all of the potentially liable persons do not have sufficient financial resources to pay the costs of remediation; and

(B) the department enters into a cost-share agreement with all potentially liable persons whom the department determines have the financial ability to contribute to the remediation. The cost-share agreement must provide that those persons will pay a proportionate share of the remediation costs, as determined by the department, taking into account their ability to pay.

(b) To be eligible for funding under subsection (11)(a), a facility that is an abandoned mine site must have been identified as a priority site on the department's priority mine sites list.

(c) The department may use funds provided in subsection (11)(a) only if the use:

(i) would not preclude the use of the funds under subsection (1); and

(ii) would leave the orphan share fund with a balance at the end of the biennium beginning July 1, 2005, that, with anticipated deposits, is adequate to fund the anticipated orphan shares in the allocation processes for which a petition was filed pursuant to 75-10-745 prior to [the effective date of this act] and all future transfers and expenditures that are required by laws existing on [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

TAXATION (Waitschies, Chairman):

4/2/2005

HB 784, without recommendation. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 771 failed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 265 failed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 50

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 214 passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Facey, Furey, Glaser, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 69

Noes: Balyeat, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Dowell, Eaton, Everett, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Henry, Jayne, Jopek, Juneau, Kaufmann, Lindeen, McAlpin, Musgrove, B. Olson, Raser, Small-Eastman, Villa, Wanzenried, Wilson.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 461 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Driscoll, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Hamilton, Harris, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 75

Noes: Becker, Bixby, Branae, Campbell, Clark, Dowell, Eaton, Franklin, Golie, Groesbeck, Gutsche, Hawk, Henry, Hiner, Jayne, Koopman, Musgrove, Noonan, B. Olson, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Wells.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 528 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Hamilton, Harris, Hawk, Heinert, Hendrick, Hiner, Jackson, Jacobson, L. Jones, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Raser, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wiseman, Witt, Mr. Speaker.
Total 62

Noes: Bergren, Buzzas, Caferro, Callahan, Clark, Dowell, Galvin-Halcro, Golie, Groesbeck, Gutsche, Henry, Himmelberger, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lindeen, Malcolm, McGillvray, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Ross, Sesso, Small-Eastman, Stoker, Ward, Wilson, Windham, Windy Boy.
Total 38

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 592 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Buzzas, Furey, Galvin-Halcro, Jayne.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 776 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 80

Noes: Barrett, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, Koopman, Lake, Lange, Malcolm, McGillvray, Mendenhall, Morgan, Sales, Sinrud, Stoker, Wagman, Ward, Wells.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 329 concurred in as follows:

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 76

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Himmelberger, Koopman, Lake, Lange, Malcolm, McKenney, Mendenhall, Milburn, Morgan, B. Olson, Ripley, Roberts, Ross, Sales, Sinrud, Waitschies, Ward, Wells.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 19 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 87

Noes: Hawk, Jackson, W. Jones, Lake, MacLaren, Milburn, B. Olson, Ross, Stoker, Wagman, Waitschies, Witt.
Total 12

Excused: None.
Total 0

Absent or not voting: Bixby.
Total 1

SJR 23 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Himmelberger, Lake, Morgan, B. Olson, Wagman, Waitschies.
Total 6

Excused: None.
Total 0

Absent or not voting: None.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Total 0

SB 347 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Everett, Mendenhall, Sales, Sinrud, Ward, Wilson.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Rep. Keane moved the House reconsider its action on SB 123 on April 1, 2005, and place it back on 2nd Reading on April 4, 2005. Motion passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 72

Noes: Andersen, Balyeat, Barrett, D. Brown, Everett, Gallik, Hawk, Heinert, Hendrick, Jackson, Koopman, Lake, McGillvray, McKenney, McNutt, Milburn, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Wells, Witt.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Jopek moved that SB 337 be withdrawn from the Natural Resources Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 294 - Representative Dickenson moved **SB 294** be concurred in.

SB 294 - Representative Dickenson moved **SB 294**, second reading copy, be amended as follows:

1. Page 2, line 1.
Strike: "5"
Insert: "2"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 91

Noes: Balyeat, Lange, McNutt, Ripley, Sonju, Stahl, Taylor.
Total 7

Excused: Bixby, Juneau.
Total 2

Absent or not voting: None.
Total 0

SB 294 - Representative Dickenson moved **SB 294**, as amended, be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Speaker.
Total 88

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Jackson, Koopman, Mendenhall, B. Olson, Ripley, Sonju, Stahl.
Total 12

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 352 - Representative Harris moved **SB 352** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 95

Noes: Sinrud, Stahl.
Total 2

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.
Total 0

Absent or not voting: Branae, Gutsche, Noennig.
Total 3

SB 423 - Representative Harris moved **SB 423** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Mr. Speaker.
Total 77

Noes: Balyeat, Barrett, R. Brown, Caferro, Campbell, Glaser, Hawk, Heinert, Hendrick, Jackson, Jayne, Klock, Koopman, Lambert, Lange, Maedje, Mendenhall, Rice, Ripley, Sinrud, Windy Boy, Witt.
Total 22

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.
Total 0

Absent or not voting: Peterson.
Total 1

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

SB 2 - Representative Lake moved **SB 2** be concurred in.

SB 2 - Representative Lake moved **SB 2**, second reading copy, be amended as follows:

1. Page 2, line 8.
Strike: "censored"
Insert: "censored"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Maedje.
Total 1

Voted Absentee: Sinrud, Aye.

Excused: Bixby, Juneau.
Total 2

Absent or not voting: None.
Total 0

SB 2 - Representative Lake moved **SB 2**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 86

Noes: Bixby, Caferro, Dowell, Furey, Gallik, Gutsche, Harris, Henry, Jayne, Juneau, Kaufmann, McAlpin, Musgrove, Windy Boy.
Total 14

Voted Absentee: Sinrud, Aye; Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 95 - Representative Harris moved **SB 95** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.
Total 48

Noes: Andersen, Arntzen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.
Total 52

Voted Absentee: Juneau, Aye; Bixby, Sinrud, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 107 - Representative Parker moved consideration of **SB 107** be passed for the day. Motion carried.

SB 260 - Representative Clark moved **SB 260** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 98

Noes: Gallik.
Total 1

Voted Absentee: Bixby, Juneau, Sinrud, Ayes.

Excused: None.
Total 0

Absent or not voting: Musgrove.
Total 1

SB 167 - Representative Jopek moved **SB 167** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 69

Noes: Andersen, Balyeat, Barrett, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jayne, L. Jones, Klock, Koopman, Lake, Maedje, Malcolm, Morgan, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.
Total 31

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted.

Representative Peterson made a **substitute motion** that **SB 95** be segregated from the Committee of the Whole report and be placed on 2nd Reading on April 4, 2005, and the remainder of the report be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, A. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 79

Noes: Balyeat, Buzzas, Caferro, Dickenson, Furey, Gallik, Glaser, Hamilton, Hawk, McNutt, Mendenhall, Noonan, Ripley, Sales, Windy Boy.
Total 15

Excused: Bixby, Juneau, Sinrud.
Total 3

Absent or not voting: Malcolm, B. Olson, Stahl.
Total 3

Rep. Bergren announced the House Democrats will caucus.
Rep. Lange announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 2:30 p.m.

House reconvened at 2:30 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 784 - Representative Cohenour moved **HB 784** do pass.

HB 784 - Representative Bergren moved for cloture. Motion carried with a voice vote.

HB 784 - Do pass motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 49

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2005

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 51

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Driscoll, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 53

Noes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 44

Excused: Bixby, Juneau, Sinrud.
Total 3

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Consent Calendar: SJR 24. There being no questions, this bill will be placed on 3rd Reading.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 10:00 a.m., Monday, April 4, 2005. Motion carried.

House adjourned at 3:15 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House